

October 27, 2004

MEMORANDUM TO: C. William Reamer, Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

FROM: Robert M. Latta, Sr. On-Site Licensing Representative **/RA/**
Project Management Section A
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Jack D. Parrott, Sr. On-Site Licensing Representative **/RA/**
Project Management Section A
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION ON-SITE LICENSING
REPRESENTATIVES' REPORT ON THE YUCCA MOUNTAIN
PROJECT FOR JULY 1, 2004, THROUGH AUGUST 31, 2004

The purpose of this memorandum is to transmit the U.S. Nuclear Regulatory Commission (NRC) On-Site Representatives' (ORs') report for the period of July 1, 2004, through August 31, 2004.

This report highlights a number of Yucca Mountain Project activities of potential interest to NRC staff. The ORs continue to respond to requests from NRC Headquarters staff to provide various documentation and feedback related to Key Technical Issues (KTIs) and their resolution. During this reporting period, the ORs continued to observe activities associated with Yucca Mountain site activities, KTIs, and audits. The ORs also attended various meetings and accompanied NRC staff on visits to Yucca Mountain.

If you have any questions on this report or its attachments, please call Robert Latta on (702) 794-5048, or Jack Parrott on (702) 794-5047.

Attachments:

1. U.S. Nuclear Regulatory Commission On-Site Licensing Representatives' Report Number OR-04-04 for the Reporting Period of July 1, 2004, through August 31, 2004
2. Table 1: U.S. NRC On-Site Licensing Representatives' Tracking Report for Open Items Followed in Bi-Monthly OR Report

cc: See attached list

Memorandum to C.William Reamer from R. Latta and J. Parrott, dated: October 27, 2004
cc:

A. Kalt, Churchill County, NV	P. Guinan, Legislative Counsel Bureau
R. Massey, Churchill/Lander County, NV	M. Dayton, City of Las Vegas, NV
I. Navis, Clark County, NV	M. Murphy, Nye County, NV
E. von Tiesenhausen, Clark County, NV	D. Duquette, NWTRB
G. McCorkell, Esmeralda County, NV	J. Treichel, Nuclear Waste Task Force
R. Damele, Eureka County, NV	P. Johnson, Citizen Alert
A. Johnson, Eureka County, NV	M. Chu, DOE/Washington, D.C.
A. Remus, Inyo County, CA	G. Runkle, DOE/Washington, D.C.
M. Yarbro, Lander County, NV	C. Einberg, DOE/Washington, D.C.
S. Hafen, Lincoln County, NV	S. Gomberg, DOE/Washington, D.C.
L. Alfano, Lincoln County, NV	W. J. Arthur, III , DOE/ORD
M. Baughman, Lincoln County, NV	R. Dyer, DOE/ORD
A. Robinson, Henderson, NV	J. Ziegler, DOE/ORD
L. Mathias, Mineral County, NV	A. Gil, DOE/ORD
L. Bradshaw, Nye County, NV	W. Boyle, DOE/ORD
M. Maher, Nye County, NV	D. Brown, DOE/OCRWM
D. Hammermeister, Nye County, NV	S. Mellington, DOE/ORD
M. Simon, White Pine County, NV	C. Hanlon, DOE/ORD
J. Ray, NV Congressional Delegation	T. Gunter, DOE/ORD
M. Henderson, NV Congressional Delegation	A. Benson, DOE/PR
B. J. Vonderheide, NV Congressional Delegation	N. Hunemuller, DOE/ORD
T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Congressional Delegation	S. Cereghino, BSC
D. Wilson, NV Congressional Delegation	N. Williams, BSC
S. Joya, NV Congressional Delegation	E. Mueller, BSC/PR
K. Kirkeby, NV Congressional Delegation	J. Mitchell, BSC
K. Finfrock, NV Congressional Delegation	M. Voegele, BSC/SAIC
R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	B. Helmer, Timbisha Shoshone Tribe
S. Lynch, State of NV	R. Boland, Timbisha Shoshone Tribe

cc: (Continued)

J. Birchim, Yomba Shoshone Tribe
R. Holden, NCAI,
R. Clark, EPA
R. Anderson, NEI
R. McCullum, NEI
S. Kraft, NEI
J. Kessler, EPRI
D. Duncan, USGS
R. Craig, USGS
W. Booth, Engineering Svcs, LTD
L. Lehman, T-REG, Inc.
S. Echols, ECG
C. Marden, BNL, Inc.
J. Bacocho, Big Pine Paiute Tribe of the
Owens Valley
T. Kingham, GAO
D. Feehan, GAO
E. Hiruo, Platts Nuclear Publications
G. Hernandez, Las Vegas Paiute Tribe
R. Arnold, Pahrump Paiute Tribe
G. Hudlow
A. Elzeftawy, Las Vegas Paiute Tribe
R. Huey, BSC
R. Hasson, NQS
M. Van Der Puy, DOE

W. Briggs, Ross, Dixon & Bell
C. Meyers, Maopa Paiute Indian Tribe
R. Wilder, Fort Independence Indian Tribe
D. Vega, Bishop Paiute Indian Tribe
J. Egan, Egan, Fitzpatrick & Malsch
J. Leeds, Las Vegas Indian Center
J.C. Saulque, Benton Paiute Indian Tribe
C. Bradley, Kaibab Band of Southern Paiutes
R. Joseph, Lone Pine Paiute-Shoshone Tribe
L. Tom, Paiute Indian Tribes of Utah
E. Smith, Chemehuevi Indian Tribe
D. Buckner, Ely Shoshone Tribe
D. Eddy, Jr., Colorado River Indian Tribes
V. Guzman, Inter-Tribal Council of NV
(Chairwoman, Walker River Paiute Tribe)
H. Jackson, Public Citizen
P. Thompson, Duckwater Shoshone Tribe
D. Crawford, Inter-Tribal Council of NV
A. Capoferri, DOE
J. Williams, DOE
E. Opelski, NQS
J. Bess, Bechtel/SAIC
S. Devlin
D. Irwin, Hunton & Williams

October 27, 2004

MEMORANDUM TO: C. William Reamer, Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

FROM: Robert M. Latta, Sr. On-Site Licensing Representative **/RA/**
Project Management Section A
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Jack D. Parrott, Sr. On-Site Licensing Representative **/RA/**
Project Management Section A
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION ON-SITE LICENSING
REPRESENTATIVES' REPORT ON THE YUCCA MOUNTAIN
PROJECT FOR JULY 1, 2004, THROUGH AUGUST 31, 2004

The purpose of this memorandum is to transmit the U.S. Nuclear Regulatory Commission (NRC) On-Site Representatives' (ORs') report for the period of July 1, 2004, through August 31, 2004.

This report highlights a number of Yucca Mountain Project activities of potential interest to NRC staff. The ORs continue to respond to requests from NRC Headquarters staff to provide various documentation and feedback related to Key Technical Issues (KTIs) and their resolution. During this reporting period, the ORs continued to observe activities associated with Yucca Mountain site activities, KTIs, and audits. The ORs also attended various meetings and accompanied NRC staff on visits to Yucca Mountain.

If you have any questions on this report or its attachments, please call Robert Latta on (702) 794-5048, or Jack Parrott on (702) 794-5047.

Attachments:

1. U.S. Nuclear Regulatory Commission On-Site Licensing Representatives' Report Number OR-04-04 for the Reporting Period of July 1, 2004, through August 31, 2004
2. Table 1: U.S. NRC On-Site Licensing Representatives' Tracking Report for Open Items Followed in Bi-Monthly OR Report

cc: See attached list

DISTRIBUTION:

ACNW	CNWRA	NMSS DO r/f	HLWRS r/f	LSN	LKokajko	ECollins
JGuttmann	LChandler	KStablein	ACampbell	MYoung	JMoore	MBailey
MZobler	WMaier	GMorell	TCombs	MWoods	DHiggs	SRohrer
KMcConnell	EO'Donnell	HArlt	MNataraja	WPatrick	JBradbury	RJohnson
TMcCartin	JTrapp	KChang	TCarter	TMatula	GHatchett	BSpitzberg

ML042990326

*See Previous Concurrence

OFC	DNMS/FCDB	HLWRS	Tech Ed	HLWRS	OGC	HLWRS
NAME	RLatta*	JParrott*	EKraus*	FBrown*	MZobler*	CWReamer
DATE	10/06/04	10/06/04	10/04/04	10/07/04	10/13/04	10/27/04

TABLE OF CONTENTS

U.S. NUCLEAR REGULATORY COMMISSION
ON-SITE LICENSING REPRESENTATIVES' REPORT
NUMBER OR-04-04
FOR THE REPORTING PERIOD OF JULY 1, 2004, THROUGH AUGUST 31, 2004

	PAGE
TABLE OF CONTENTS	i
ACRONYMS AND ABBREVIATIONS	ii
EXECUTIVE SUMMARY	1
REPORT DETAILS	3
Introduction	
Objectives	
1. Site Activities and Data Acquisition	3
2. Outreach Activities	4
3. QA and Engineering	5
4. General Activities	7

ACRONYMS AND ABBREVIATIONS

ACRO	TITLE
AMR	Analysis Modeling Report
AP	Administrative Procedure
BSC	Bechtel SAIC Company, LLC
CAP	Corrective Action Program
CAQ	Condition Adverse to Quality
CR	Condition Report
DOE	U.S. Department of Energy
ESF	Exploratory Studies Facility
KTI	Key Technical Issue
LA	License Application
MTS	Management and Technical Support
NCSL	National Conference of State Legislators
NRC	U.S. Nuclear Regulatory Commission
OCRWM	Office of Civilian Radioactive Waste Management
OR	On-Site Representative
OQA	Office of Quality Assurance
PA	Performance Assessment
QA	Quality Assurance
QARD	Quality Assurance Requirements Description
RIT	Regulatory Integration Team
SCWE	Safety-Conscious Work Environment
SSC	Structure, System, or Component
YMP	Yucca Mountain Project

EXECUTIVE SUMMARY

GROUND SUPPORT SYSTEM CLASSIFICATION

An On-Site Representatives' (OR) Open Item (04-01) was initiated, in the January-February 2004 OR Report, to track the resolution of an issue regarding the safety classification of the ground support system in the Exploratory Studies Facility (ESF). The Project addressed this OR open item with a new analysis that concluded that the ESF ground support system had been inappropriately classified as important to safety or waste isolation. The OR open item has been closed.

U.S. DEPARTMENT OF ENERGY OFFICE OF QUALITY ASSURANCE - AUDIT OF "CORRECTIVE ACTION PROGRAM"

The U.S. Department of Energy's (DOE's) Office of Quality Assurance (OQA) conducted a limited-scope compliance-based audit of the effectiveness of the Office of Civilian Radioactive Waste Management's "Corrective Action Program" (CAP). As a result of the audit team's reviews it was determined that the CAP process was generally acceptable and that procedural controls and implementation were adequate.

Based on the On-Site Representatives' (ORs') observations, it was determined that this oversight activity was effectively performed. Within the areas evaluated, the ORs noted a program strength relative to the effective internal assessment performed by Bechtel/SAIC Company, LLC's (BSC's) CAP organization, in preparation for the audit and the prompt self-identification of issues by the CAP manager.

EXTERNAL AUDIT OF DOE's OQA

During this reporting period, the ORs observed the conduct of an external audit of DOE's OQA oversight program. The purpose of this audit was to verify OQA's compliance with project procedures that control quality-affecting activities. Although the audit team identified several conditions adverse to quality, these issues were determined to be relatively minor in nature and the audit team's conclusion was that OQA's implementation of the Quality Assurance (QA) program was effective.

The ORs determined that the requisite audit elements and critical process steps were appropriately evaluated and that the audit team effectively evaluated the areas of review. No audit observation inquiries were identified and the ORs determined that the audit team's findings were sufficient.

SURVEILLANCE OF REGULATORY INTEGRATION TEAM, PHASE 2

The ORs evaluated the results of OQA's surveillance of the Regulatory Integration Team (RIT) Phase 2 activities. The purpose of this surveillance was to assess the adequacy and effectiveness of Analysis and Model Report (AMR) revision activities performed by the RIT.

The DOE's surveillance team concluded that the revision activities performed by the RIT were adequate. However, the surveillance team's determination was predicated on a limited sample size, and does not represent the NRC staff's conclusion regarding the technical merits of the AMRs or the quality of a potential license application that may be based on those AMRs.

OBSERVATION OF BSC'S DESIGN ACTIVITIES AUDIT

The ORs observed the conduct of DOE's compliance-based audit of BSC's Design and Engineering organization. The purpose of this audit was to evaluate the implementation aspects and effectiveness of BSC's procedures related to design control, and to confirm the adequacy of independent technical reviews performed by Management and Technical Support Services (MTS).

DOE's audit determined that BSC's Design and Engineering organization was appropriately implementing project design procedures. The audit team also established that MTS's independent technical reviews and assessments were effectively performed and appropriately documented.

The ORs' determined that the audit appropriately evaluated BSC's design control program and the implementing procedures. No audit observation inquiries were identified and the ORs determined that this oversight activity was effectively performed.

REPORT DETAILS

INTRODUCTION

The principal purpose of the On-Site Representatives' (ORs') report is to inform U.S. Nuclear Regulatory Commission (NRC) managers, staff, and contractors about information on the U.S. Department of Energy (DOE) programs in repository design; performance assessment (PA); performance confirmation; and environmental studies that may be useful in fulfilling NRC's role during prelicensing consultation. The primary focus of this and future OR reports will be on DOE's programs for subsurface and surface-based testing, PA, data management systems, environmental studies, and quality assurance (QA). Relevant information includes new technical data, DOE's plans and schedules, and the status of activities to support preparation of the License Application (LA). The ORs also take part in activities associated with resolving NRC Key Technical Issues (KTIs). This report covers the period of July 1, 2004, through August 31, 2004.

OBJECTIVES

An OR's mission is to serve principally as a point of prompt information exchange and to identify preliminary concerns with site investigations and potential licensing issues. The ORs carry out this role by gathering and evaluating information, identifying concerns, and bringing more significant issues to NRC management's attention. Communication with DOE is accomplished by exchanging information on data, plans, schedules, documents, activities and pending actions, and resolution of issues. The ORs interact with DOE scientists, engineers, and managers with input from NRC Headquarters management, regarding the implementation of NRC policies, programs, and regulations. The ORs also focus on such issues as design controls, data management systems, PA, and KTI resolution. A primary OR role is to identify areas in site studies, activities, or procedures that may be of interest or concern to the NRC staff.

1. SITE ACTIVITIES AND DATA ACQUISITION

1.1 Ground Support System Classification

In the January-February 2004 OR Report, an OR Open Item (04-01) was identified on the classification (as important to safety or important to waste isolation) of the current ground support system in the Yucca Mountain Exploratory Studies Facility (ESF). The ground support system at the Yucca Mountain ESF consists of rock-bolts, wire mesh, and steel sets used to stabilize the sub-surface rock mass. The Open Item issue was identified through the ORs' review of three Condition Reports (CRs).

CR-77 stated that DOE's Office of Civilian Radioactive Waste Management (OCRWM) administrative procedure (AP)-3.12Q, "Design Calculations and Analyses," was not followed during development of the analysis that recommended the indefinite deferral of ESF ground support completion. As stated in the CR, the ground support, previously identified as a system important to waste isolation, was not constructed as a quality-affecting (or "Q") structure, system, or component (SSC) in all areas. The issue was that the analysis, which recommended indefinite deferral of the completion of the ESF ground support to a "Q" status, was not developed in accordance with AP-3.12Q, and therefore could not have been used for classification of a "Q" SSC. The CR also stated

that this “non-Q” analysis reversed the recommendation of an earlier “Q” analysis, which was done per procedure AP-3.12Q.

CR-80 stated that non-conforming conditions with the ground support system in the ESF were not documented, tracked, nor dispositioned with nonconformance reports, as a “Q” SSC is required to be, by the Yucca Mountain Project’s (YMP’s) Quality Assurance Requirements and Description (QARD) document.

Also, CR-1221, documented the inappropriate use of the “non-Q” analysis, described in CR-77, to modify the list of SSCs important to safety or waste isolation (Q-list) to remove the ESF ground support system. This analysis was marked “Preliminary,” and AP-3.12Q states that preliminary analyses shall not be used to support design drawings and specifications for fabrication, procurement, and construction. In addition, this analysis formed the basis for removing the ground support from the Q-list, which directly affected the design drawings, specifications, procurement, and construction of remaining ESF ground support items.

The OR open item concluded that: 1) Should the ground support system ultimately be found important to safety [or waste-isolation] in the LA, significant effort would likely be required to justify the use of some installed ground support equipment, or replace that equipment if its use could not be justified; and 2) the analysis used to reach an ultimate conclusion should be prepared in accordance with the program QA requirements.

The Project addressed this OR open item with a new and final analysis (done in accordance with AP-3.12Q) that concluded that the ESF ground support system had been inappropriately classified as important to safety or waste isolation. At the time the ESF was built and the ground support system classified, it was considered to be one of the future repository’s SSCs important to safety or waste isolation. However, since the promulgation of 10 CFR Part 63, which indicates that only those SSCs that contribute to dose compliance through prevention or mitigation of event sequences are to be considered important to safety or waste isolation, the ground support no longer met these criteria. The Project also revised the previous preliminary analysis to remove the ground support from the Q-list.

Based on the ORs’ review of the resolution of CR-1221, NRC has no further questions regarding this open item and considers it closed. It should be noted that the Project used the resolution of CR-1221 to close CRs -77 and -80, with the rationale that the reclassification of the ground support system to “non-Q” made the apparent procedural noncompliance issues relative to “Q” SSCs identified in CRs -77 and -80, moot points. The apparent procedural noncompliance issues identified in CRs -77 and -80, the manner in which they were closed out, and the timeliness of their resolution, were not focuses of this OR open item; therefore, NRC has no questions about the resolution of CRs -77 and -80.

2. OUTREACH ACTIVITIES

- 2.1 Drop-in Visits with DOE YMP Personnel and Affected Units of Local Government - On August 5, 2004, NRC's Director of Communications, and an OR, conducted a drop-in visit with DOE's YMP, Communications and Intergovernmental Relations personnel in Las Vegas. The discussions with DOE focused on its interactions with affected units of

local government, outreach efforts, and communications between NRC and DOE. On the same day, NRC's Director of Communications met with representatives from both Nye and Clark County's Nuclear Waste Project offices. The discussions with Nye and Clark County personnel involved current YMP issues, public information initiatives, and governmental interactions.

- 2.2 Hearing Process Workshop for Affected Units of Local Government - On August 24, 2004, staff from the Division of High-Level Waste Repository Safety, the Office of the General Counsel, the Spent Fuel Project Office, and the Atomic Safety and Licensing Support Network Administrator conducted a workshop on NRC's hearing process. NRC staff organized the workshop, in response to a request from Eureka and Clark Counties, to provide a forum for the affected units of local government to obtain information and ask questions of NRC staff. NRC staff members discussed: (1) NRC's licensing process; (2) the formal hearing process; (3) criteria governing NRC's adoption of a final environmental impact statement for a potential repository at Yucca Mountain; (4) NRC's role in the safe transport of spent nuclear fuel; and (5) the role and use of NRC's Licensing Support Network.

Participants included representatives from nine counties in Nevada and California identified as affected units of local government, in accordance with the Nuclear Waste Policy Act of 1982. Also present were representatives of: the State of Nevada; the Las Vegas Paiute Tribe; the Nevada legislature; and BSC, DOE's contractor at Yucca Mountain.

3. QA AND ENGINEERING

3.1 OQA - Audit of Corrective Action Program

The DOE's OQA conducted a limited-scope compliance-based audit (OCRWM-BSC-04-03), of the effectiveness of OCRWM's corrective action program (CAP), from July 6-12, 2004. The scope of the audit included an evaluation of the adequacy of implementing procedures and compliance with the requirements of the QARD, Revision 14. In particular, the audit team examined the CAP process steps related to: identification of immediate actions; screening and evaluation of CRs; causal analysis determination, corrective action planning and implementation; and CR closure.

To evaluate the effectiveness of the CAP process, the audit team selected a representative sample of CRs with various significance levels, including several CRs from the previous CAP system. As a result of these reviews, the audit team determined that the CAP process was generally acceptable and that procedural controls and implementation were adequate in all but one of the process steps. The process step that was of concern involved less than adequate performance of apparent cause analysis, on various CRs, which resulted in unsatisfactory causal evaluations. However, as noted by the audit team, this condition had been previously identified and documented on a CR during a recent CAP self-assessment.

The audit team also determined that implementation of the process step for CR closure was less than adequate. This determination was based on the backlog of closed CRs that have not been processed into the Records Processing Center and that has exceeded the 60-day submittal time frame. The audit team did not issue a CR for this process variance because the CAP staff had already self-identified this condition.

Based on the ORs' observations and discussions with audit team members, it was determined that this oversight activity was effectively performed. The team composition was adequate for the scope of this oversight activity and the audit team's findings were appropriately characterized. The ORs also noted a program strength relative to the effective internal assessment performed by BSC's CAP organization in preparation for the audit and the CAP Manager's prompt self-identification of issues. No audit observation inquiries were identified and, notwithstanding the issues related to ineffective causal analysis and untimely CR records processing, it was determined that improvements in the CAP system have resulted from recent screening team initiatives.

3.2 External Audit of OQA

During this reporting period, the ORs observed the conduct of external audit OCRWM-OQA-04-12, related to DOE's OQA oversight program. The purpose of this audit was to verify OQA's compliance with the project procedures that control quality-affecting activities. Specifically, this compliance-based audit evaluated activities performed by OQA subject to the requirements of the QARD, including: audits; surveillances; supplier evaluations; condition reporting; and DOE Environmental Restoration/Waste Management oversight activities. The audit team also reviewed the status of previous deficiency documents to determine the effectiveness of completed corrective actions. To maintain the necessary organizational independence, the audit was performed by three DOE QA personnel not directly involved with Yucca Mountain Project activities.

As a result of their evaluations, the audit team identified four conditions adverse to quality (CAQs) and three recommendations. The CAQs were characterized as relatively minor and the audit team's conclusion was that OQA's implementation of the QA program was effective.

Based on the ORs' review of the audit checklist, it was determined that the requisite audit elements and critical process steps were appropriately identified and that the audit team effectively evaluated the areas of review. No audit observation inquiries were identified and the ORs determined that the audit team's findings were sufficient.

3.3 Surveillance of Regulatory Integration Team, Phase 2

During this reporting period, the ORs evaluated the results of OQA's Surveillance OQA-SI-04-019. The purpose of this surveillance was to assess the adequacy and effectiveness of Analysis and Model Report (AMR) revision activities performed by the Regulatory Integration Team (RIT). The surveillance was compliance-based and the surveillance team determined whether changes to AMRs identified during the RIT process were appropriately implemented. However, the surveillance team did not determine the effectiveness of the technical changes made to AMRs as a result of the RIT process.

Based on the results of their reviews, DOE's surveillance team concluded that the revision activities performed by the RIT were adequate. However, the surveillance team's determination was based on a limited sample size, and does not represent a NRC staff conclusion regarding the technical merits of the AMRs or the quality of a potential LA that may be based on those AMRs. The ORs determined that the DOE surveillance team members were qualified and independent of the areas assessed.

Further, the ORs concluded that the DOE surveillance team was effective in the performance of their surveillance of the RIT revision activities.

3.4 Observation of BSC's Design Activities Audit

The ORs observed the conduct of DOE's compliance-based audit (OCRWM-BSC-04-14) of BSC's Design and Engineering organization during the week of August 23-27, 2004. The purpose of this audit was to evaluate the implementation and effectiveness of BSC's procedures related to design control. The audit team also evaluated the adequacy of the independent technical reviews and assessments of various design products performed by Management and Technical Support Services (MTS).

As a result of these reviews, the audit team determined that BSC's Design and Engineering organization was appropriately implementing project design procedures. Although several CRs were identified related to training, records processing, document control, and the control of unqualified design information, none of the CAQ's adversely impacted the integrity of design products. The audit team also established that the independent technical reviews and assessments performed by MTS were effectively performed and appropriately documented.

Based on the ORs' observations, it was determined that the audit appropriately evaluated BSC's design control program and the implementing procedures. The ORs also determined that the audit results, including the identified CAQs, were appropriately documented. No audit observation inquiries were identified and the ORs determined that this oversight activity was effectively performed.

4. **GENERAL ACTIVITIES**

4.1 Meetings

During this reporting period, the ORs participated in the following meetings:

- Annual Meeting of the National Conference of State Legislators - On July 19, 2004, NRC staff, including an OR, participated in a seminar at the 2004 annual meeting of the National Conference of State Legislators (NCSL) in Salt Lake City, Utah. The seminar was sponsored by the NCSL's High-Level Radioactive Waste Working Group, in an effort to inform fellow State legislators of potential transportation issues. NRC presentations included its role in approving shipping packages and the its process for reviewing a LA for Yucca Mountain. Other presenters included DOE; the Western Governors Association; the Council of State Government's Mid-Western Task Force on High-Level Radioactive Waste Transportation; the Nuclear Energy Institute; and the National Congress of American Indians.
- NRC/DOE Quarterly Management Meeting - On August 19, 2004, staff and senior managers from NRC and DOE conducted a public meeting at NRC Headquarters in Rockville, Maryland. The purpose of this meeting was to discuss current issues related to DOE's potential LA for constructing a geologic repository at Yucca Mountain. Various stakeholders, including representatives from the State of Nevada, Nye County, Clark County, Lincoln County, Nevada Nuclear Waste Task Force, industry representatives, and members of the public attended the meeting.

Topics that were discussed at this meeting included the recent U.S. Court of Appeals ruling on the U.S. Environmental Protection Agency's radiation protection standard: certification of the availability of documentary materials for the Licensing Support Network; NRC/DOE program update information; and DOE's LA status. Additional issues that were discussed involved DOE's QA program update and the State of Nevada's requests for: (1) financial assistance to participate in licensing proceedings; and (2) a request to grant security clearances to its representatives to access classified documents related to YMP. At the conclusion of the meeting, participants from NRC and DOE reviewed the status of the previous meeting's action items, and tentatively established a date of November 11, 2004, for the next quarterly management meeting.

4.2 Site Visits

On July 15, 2004, an OR took a group from the NRC Office of Inspector General and High-Level Waste Repository Safety staff on a site visit to Yucca Mountain.

On August 4, 2004, the ORs took a group of senior NRC executives from NRC Headquarters and the Region IV office on a site visit to Yucca Mountain and to the low-level waste disposal facility at the Nevada Test Site.

**U.S. NRC ON-SITE LICENSING REPRESENTATIVES' TRACKING REPORT FOR OPEN
ITEMS FOLLOWED IN
BI-MONTHLY OR REPORT**

Table 1

<i>OPEN ITEM NUMBER (For Tracking only)</i>	<i>BRIEF DESCRIPTION OF OPEN ITEM</i>	<i>OPEN ITEM OR REPORT NO.</i>	<i>DATE OPEN ITEM CLOSED</i>
AOI-YMSCO-ARC-02-12-01	Identifies the need for DOE OQA to ensure that procedure development and review process include a documented evaluation to verify compliance with the requirements of the YMP's QARD.	OR-03-01	OR Report No: OR-03-03 August 15, 2003
OR Open Item 04-01	A concern regarding the safety analysis of the ground support system in the ESF.	OR-04-01	OR Report No: OR-04-04 October 27, 2004
OR Open Item 03-06	Based on review of CR-756, 12 quality-affecting procedures were approved without meeting the applicable QARD requirements.	OR-03-05	
OR Open Item 03-05	The continued use of unqualified software in quality-affecting technical products appears to be in conflict with the governing requirements of the implementing procedures and the QARD.	OR-03-04	
OR Open Item 03-04	With a tentative date of mid-June to evaluate CAR BSC(B)-03-(C)-107, the RCD has not acted on this CAR in a timely manner and it has remained open for 4 months without resolution.	OR-03-03	OR Report No: OR-03-05 January 12, 2004
OR Open Item 03-03	An evaluation in DOE's progress in implementing corrective actions associated with CAR B.C.-01-C-001, concerning model validation, the OR reviewed TAPS (approx. 43 models). Based on the results, it could not be established if the evaluation criteria will result in the development of models with adequate confidence for the LA.	OR-03-02	
OR Open Item 03-02	During a review of the MII confirmation packages, it was identified that the action statement execution task descriptions and completion schedules for many of the reviewed pkgs had been modified without appropriate justification. Therefore, pending the resolution of this apparent deviation from a commitment to administer the MII in accordance with the requirements of AP-5.1Q, this issue is identified as this OR Open Item.	OR-03-02	OR Report No: OR-04-02 July 8, 2004

**U.S. NRC ON-SITE LICENSING REPRESENTATIVES' TRACKING REPORT FOR OPEN
ITEMS FOLLOWED IN
BI-MONTHLY OR REPORT**

Table 1

<i>OPEN ITEM NUMBER (For Tracking only)</i>	<i>BRIEF DESCRIPTION OF OPEN ITEM</i>	<i>OPEN ITEM OR REPORT NO.</i>	<i>DATE OPEN ITEM CLOSED</i>
OR Open Item 03-01	This Open Item is based on issues on separate DRs: (1) the effective resolution of concerns related to inadequate personnel training; (2) the failure to establish an effective transition plan; and (3) the evaluation of the SCWE issues.	OR-03-01	OR Report No: OR-03-04 Issues 1 & 2 closed October 20, 2003 OR Report No: OR-04-02 Issue 3 closed July 8, 2004
OR Open Item 02-13	The current status of corrective & preventive actions associated with CAR No. BSC-02-C-01 revealed that not all corrective actions stated had been complete.	OR-02-05	OR Report No: OR-03-05 January 12, 2004
OR Open Item 02-12	Contrary to requirements of the QARD Supplement III 2.4.C, AP-SIII.2Q inappropriately allows for the use of unqualified data. BSC QA procedure change control program failed to identify this issue.	OR-02-05	
OR Open Item 02-11	Based on surveillance not identifying specific problems with software functionality for codes tested, 7 - including NUFT, did not pass ITP and/or VTP surveillance.	OR-02-05	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-10	Pending appropriate evaluation and documentation of the design control attributes associated with requirements of 10 CFR 63.44 and 10 CFR Part 21.	OR -02-04	
OR Open Item 02-09	Pending revision of engineering procedures, to include appropriate design verification considerations.	OR-02-04	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-08	The required performance of annual audits' justification for delaying a scheduled audit of YMSCO for 3 months, with an additional extension, does not appear to be adequately supported. Deviation from requirement of sub-section 18.2.1E of the QARD.	OR-02-04	OR Report No: OR-02-06 January 23, 2003

**U.S. NRC ON-SITE LICENSING REPRESENTATIVES' TRACKING REPORT FOR OPEN
ITEMS FOLLOWED IN
BI-MONTHLY OR REPORT**

Table 1

<i>OPEN ITEM NUMBER (For Tracking only)</i>	<i>BRIEF DESCRIPTION OF OPEN ITEM</i>	<i>OPEN ITEM OR REPORT NO.</i>	<i>DATE OPEN ITEM CLOSED</i>
OR Open Item 02-07	Model Validation Impact Assessment addressed the effect of inappropriately validated models on TSPA-SR. Many cases of impact assessments used TSPA-SR results to evaluate the local impacts. It's unclear how this practice evaluated the cumulative impact of all the models in question.	OR-02-01	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-06	Unqualified Data Impact Assessment - NRC staff identified unqualified data that could be replaced with qualified data for the performance assessment. For the risk-significant components, an evaluation of unqualified data replaced with qualified data would help determine if efforts should be undertaken to qualify the removed data.	OR-02-01	OR Report No: OR-04-02 July 8, 2004
OR Open Item 02-05	Provisions are in place that allow for model validation to continue past issuance of the documentation. The models used in the performance assessment should have adequate support for their representation at the time the performance assessment documentation is issued.	OR -02-01	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-04	A number of criteria have been developed related to various forms of review. If a review is relied on for model validation, it should be directed at validating the model and it should encompass the full body of information to the extent practical.	OR-02-01	OR Report No: OR-03-01 April 14, 2003
OR Open Item 02-03	More objective criteria (comparison to data not used in the development of the model), typically resulting in higher confidence in model validation are not distinguished from the more subjective, problematic criteria.	OR-02-01	OR Report No: OR-03-02 June 11, 2004
OR Open Item 02-02	Current process controls specify that one or more of nine criteria may be used to validate a model. All the criteria should increase confidence in the modeling process, some criteria do not appear to be appropriate for addressing whether the model is valid for its intended use.	OR-02-01	OR Report No: OR-03-01 April 14, 2003
OR Open Item 02-01	Failure to properly include the specific issues identified in the Concerns Program Final Report in the resolution process may result in not adequately addressing the original employee's concern.	OR-02-01	OR Report No: OR-02-06 January 23, 2003